

STATE OF INDIANA – COUNTY OF DAVIESS
IN THE DAVIESS CIRCUIT AND SUPERIOR COURTS

**Notice of Proposed Amendment of Local Rule for a Caseload Allocation
Plan for the Courts of Record of Daviess County
June 1, 2008**

In accordance with Administrative Rule 1(E) of the Indiana Court Rules, the Daviess Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule (Local Rule 14-AR00-3.1) setting forth the caseload allocation plan for the courts of record of Daviess County, effective January 1, 2009. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Local Rules for caseload allocation plans pursuant to Admin. R. 1(E) require Supreme Court approval and may not take effect until approved by the Supreme Court.

In accordance with Trial Rule 81(B), the time period for the bar and the public to comment shall begin on June 1, 2008, and shall close on June 30, 2008. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2008, and the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2008.

Comments by the bar and the public should be made in writing and mailed to:

Hon. Gregory A. Smith, Judge of the Daviess Circuit Court, or Hon. Dean A. Sobecki, Judge of the Daviess Superior Court, Attn: Public Comment on Local Rules, Daviess County Courthouse, 200 East Walnut Street, Washington, Indiana, 47501.

A paper copy of the proposed amended local rule for Caseload Allocation Plan will be made available for viewing in the office of the Clerk of Daviess County, Daviess County Courthouse, 200 East Walnut Street, Washington, Indiana, 47501 during normal business hours. Persons with Internet access may view the proposed amended local rule for Caseload Allocation Plan at the following website:

<http://www.in.gov/judiciary/rules/local>.

Gregory A. Smith, Judge
Daviess Circuit Court

Dean A. Sobecki, Judge
Daviess Superior Court

Appointment of Senior Judge Robert L. Arthur

In any case where the Judge of the Daviess Circuit Court enters an order of recusal or disqualification based upon a conflict of interest arising from any case he was involved in as a private attorney prior to assuming the bench on April 30, 2007, the case shall be assigned to Senior Judge Robert L. Arthur for all further proceedings. The Clerk, upon recusal by the Circuit Court Judge, shall enter an order transferring the case to Senior Judge Robert L. Arthur with an appropriate entry in the record of Judgments and Orders and notify Senior Judge Arthur.

Senior Judge Arthur shall accept jurisdiction under the provisions of this rule unless disqualified under the code of Judicial Conduct or excused from service by the Indiana Supreme Court. The reassignment of such case shall be entered in the Chronological Case Summary of the case. An oath or special order accepting jurisdiction shall not be required. Senior Judge Arthur shall retain jurisdiction for all future proceedings unless a specific statute or rule provides to the contrary, or the senior judge is unavailable by reason of death, sickness, absence, or unwillingness to serve. If further reassignment is required, it shall be in the same manner as otherwise provided for in the local Rules of the Daviess Circuit and Superior Courts.

Assignment of Cases

1. All criminal, except neglect or non-support, juvenile offenders waived to adult Court, or invasion of privacy, domestic battery, or related offenses allegedly resulting from or involving a protective order, workplace violence restraining order or no contact order issued by the Daviess Circuit Court, all infraction, and ordinance violation cases and all small claims cases in which the filing party is represented by counsel, except those involving landlord tenant disputes, including possession of real or personal property or rent due or money damages involving a tenancy, filed in the Daviess County courts, or transferred to Daviess County from other jurisdictions, shall be assigned to the Daviess Superior Court. Said assignment shall be non-discretionary.

2. All juvenile delinquent, CHINS, probate, guardianship, domestic relations, mental health, and protective order cases, and criminal charges for all neglect or non-support, juvenile offenders waived to adult Court, or invasion of privacy, domestic battery, or related offenses allegedly resulting from or involving a protective order, workplace violence restraining order or no contact order issued by Circuit Court, and all small claims cases where the filing party is not represented by counsel, and all small claims cases involving landlord tenant disputes, including possession of real or personal property or rent due or money damages involving a tenancy, filed in Daviess County courts, or transferred to Daviess County from other jurisdictions, shall be assigned to the Daviess Circuit Court. Said assignment shall be non-discretionary.

3. All other cases may be filed in either Court.

4. Upon dismissal of a case, if the case is redocketed it shall remain in the same court before the same judge exercising jurisdiction at the time of the dismissal.

5. SUBSEQUENT FELONY CHARGES: In the interest of judicial economy, if a person has a felony charge pending in the Daviess Circuit Court or the Daviess Superior Court, all subsequent felony charges filed against the same person shall be filed in the Court where the original felony charge is pending. This provision shall take precedence over the other provisions of this rule set forth above.

6. The Judges of the Daviess Circuit Court and the Daviess Superior Court shall retain authority to reassign cases between

the Courts whenever the work load of each Court or the convenience in handling the case make such reassignment judicially desirable.

7. Transfer of Criminal or Civil Cases: The Judges of the Daviess Circuit Court and the Daviess Superior Court, by appropriate Order, may each transfer and reassign to the other Court any pending case, subject to acceptance by the receiving Court.

8. Modification. The Circuit and Superior Courts of Daviess County, Indiana may from time to time, modify the above reules regarding the local assignment of cases to meet the needs of the Courts or the public, in circumstances deemed necessary by agreement of the Judges of the Daviess Circuit and Superior Courts. Instances that may necessitate temporary modification of this assignment of cases rule include, but are not limited to, temporary or extended absence or disability of a judge; a case or cases of a size or complexity as to overburden a particular Court; or temporary case load disparities.

9. Bi-Annual Review. The Judges of the Daviess Circuit Court and the Daviess Superior Court shall meet bi-annually at or near the time of the annual Judicial Confernece to review the weighted caseload statistics of each Court and to comply with the Orders of the Indiana Supreme Court concerning case assignments and Administrative Rule 1 (E).

Contested Hearing Order

1. In any contested dissolution or separation action, the parties shall file and exchange the following items on or before 5 days prior to the date of the hearing in typewritten pleading form:

A. A list of all properties, real or personal, of the parties at the time of separation along with the parties own valuation of each item. The party shall designate the items the party wants and the items proposed to go to the other party.

B. All debts of the marriage, the balance owed thereon, the amount of periodic payments, name of creditor, and statement of who is liable on the debt. The party shall designate the debts the party proposes to assume and the debts proposed to be assumed by the other party.

C. A brief explanation of any matters or special circumstances that will clarify matters at issue before the Court.

2. These items shall also be furnished to any mediator involved at least 5 days prior to the date of mediation.

3. If the final hearing will involve issues of the division of assets and liabilities the parties shall exchange all exhibits relevant to the establishment or valuation of such asset or liability at least five (5) days prior tot he hearing or mediation date.

4. It is further Ordered that if the net assets of the parties exceed \$300,000.00 that the parties will be required to participate in mediation prior to a final hearing in Court.

5. In the event the parties or either of them fail to file and exchange the above described pleading and information 5 days prior to the date of hearing, the Court may at its own discretion decide whether the cause shall be heard on the scheduled date, continue the same to a more appropriate date, or impose any other sanction which the Court finds to be appropriate.